

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

WILLIAM HUEPPAUFF,

Plaintiff,

v.

Civ. 23-914 JB/SCY

ADRIENNE MICHELLE OWENS AND  
THOMAS GEORGE OWENS,

Defendants.

**ORDER FOR SERVICE BY MAIL**

THIS MATTER comes before the Court *sua sponte*. Defendants removed this case to federal court on October 18, 2023. Doc. 1. Plaintiff William Hueppauff is proceeding pro se. On January 4, 2024, Defendants filed a Motion to Dismiss Thomas George Owens. Doc. 17. The Certificate of Service states that a copy was electronically mailed to Plaintiff at nerdmentor@gmail.com. Doc. 17 at 2. In addition, Defendants served discovery on Plaintiff on December 13, 2023, via this same email address. Doc. 15. On February 1, Defendants filed a motion to compel, indicating that Plaintiff had not served timely responses to the discovery requests. Doc. 20.

Because Plaintiff is pro se, email service of these documents is insufficient. D.N.M.LR-Civ. 5.1(a) (“Electronic filing constitutes service for purposes of Fed. R. Civ. P. 5, except as to parties excused from electronic filing by Federal rules, these rules, or Court order.”). Plaintiff must consent to email service in writing. Fed. R. Civ. P. 5(b)(2)(E). Absent consent in writing, Defendants were required to serve the discovery and motion to dismiss on Plaintiff by hand or by mail. Fed. R. Civ. P. 5(b)(2)(A)-(C). The certificates of service do not indicate that Defendants did so.

Therefore, by Friday, February 9, 2023, Defendants shall serve Plaintiff with the Motion to Dismiss and the First Set of Interrogatories and Requests for Production according to Rule 5(b)(2)(A)-(C) and file an amended Certificate of Service on the docket reflecting the corrected method of service. If Defendants serve these documents accordingly, Plaintiff's time to respond to the motion to dismiss and the first set of discovery requests shall begin running from the date of corrected service according to the Federal Rules.

Alternatively, by the same deadline set forth above, Defendants may provide the Court with proof that prior to December 13, 2023, Plaintiff consented in writing to service by email.

IT IS SO ORDERED.

  
STEVEN C. YARBROUGH  
UNITED STATES MAGISTRATE JUDGE